

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION

BIANCA FLETCHER

PLAINTIFF

V.

NO. 4:20-CV-521 LPR

NITV FEDERAL SERVICES, LLC;
GENE SHOOK; AND JOHN DOES 1-2

DEFENDANTS

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Come now Defendants, NITV Federal Services, LLC, and Gene Shook, by and through their counsel, Barber Law Firm PLLC, and for their Motion for Summary Judgment, state:

1. Plaintiff Bianca Fletcher was terminated from her position with the Arkansas Department of Correction (ADC) after she was discovered entering an ADC prison with contraband. In connection with an ADC investigation into the incident and pursuant to standard ADC operating procedures, computer voice stress analyzer (CVSA) tests were administered to Plaintiff using equipment developed and marketed by NITV Federal Services, LLC.

2. Plaintiff's termination, which was ultimately upheld and affirmed by the Office of Personnel Management, forms the basis of Plaintiff's Complaint. Rather than sue her former employer for the termination, Plaintiff asserts five claims under Arkansas law against Defendants: (1) that the CVSA system was defective within the meaning of the Arkansas Products Liability Act; (2) defamation; (3) illegal exaction; (4) negligence; (5) and violation of the Arkansas Deceptive Trade Practices Act.

3. On the merits, Plaintiff's claims fail as a matter of law. Plaintiff's claims are not cognizable under the theories pleaded in the Complaint, and there is no evidence to support Plaintiff's claims.

4. Additionally, Defendants are entitled to summary judgment under the acquired-immunity doctrine as recognized in Arkansas.

5. For reasons discussed more fully in their Brief in Support of this Motion and Statement of Undisputed Material Facts, which are filed simultaneously herewith and incorporated by reference as if set forth word for word in this pleading, Defendants' Motion for Summary Judgment should be granted in full.

6. In support of this Motion and Brief, the following Exhibits are attached and incorporated:

Exhibit "1" – Deposition of Bianca Fletcher with attached exhibits;

Exhibit "2" – Deposition of Warden Aundrea Culclager with attached exhibits; and

The pleadings, motions, and papers filed of record.

WHEREFORE, NITV Federal Services, LLC, and Gene Shook, respectfully request that their Motion for Summary Judgment be granted and for all other just and proper relief to which they may be entitled.

Respectfully submitted,

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